

Introduced by Senator Cox
(Principal coauthor: Senator Morrow)
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Niello, Sharon Runner, Strickland, and Walters)

February 15, 2005

An act to add Section 14218.3 to the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 226, as introduced, Cox. Elections: voting identification.

Existing law requires a person desiring to vote to announce his or her name and address to a precinct board member and to write them on the roster of voters.

This bill would require a voter, in addition, to present proof of his or her identity and residency to a member of the precinct board before receiving a ballot. It would specify the documents that may be used for this purpose and would authorize any other form of identification that the Secretary of State determines to be appropriate. It would permit a voter who is unable to present proof of identity or residency to cast a provisional ballot.

This bill, by requiring the county elections official to develop procedures to implement this bill in a manner that imposes the least burdensome requirements upon voters, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 14218.3 is added to the Elections Code,
2 to read:
3 14218.3. (a) A voter shall present proof of his or her identity
4 and residency to a member of the precinct board before receiving
5 a ballot.
6 (1) Proof of identity may be established by presenting any of
7 the following documents:
8 (A) A California driver's license.
9 (B) A California identification card.
10 (C) A valid voter registration card.
11 (D) A sample ballot pamphlet for the election with the voter's
12 name and address printed thereon by the county elections
13 official.
14 (E) A military identification card.
15 (F) A Certification of Citizenship issued by the Bureau of
16 Citizenship and Immigration Services.
17 (G) A copy of a birth certificate.
18 (H) Any other form of identification that the Secretary of State
19 determines to be appropriate.
20 (2) Proof of residency may be established by presenting any of
21 the following documents:
22 (A) A California driver's license.
23 (B) A California identification card.
24 (C) A valid voter registration card.
25 (D) A sample ballot pamphlet for the election with the voter's
26 name and address printed thereon by the county elections
27 official.
28 (E) A current utility or telephone bill or stub showing the
29 correct name and address.
30 (F) Any other form of identification that the Secretary of State
31 determines to be appropriate.

1 (b) The county elections official shall develop procedures to
2 implement this section in a manner that imposes the least
3 burdensome requirements upon voters.

4 (c) A voter who is unable to present proof of his or her identity
5 or residency as required by this section shall be entitled to vote a
6 provisional ballot, as provided in Section 14310.

7 SEC. 2. (a) The Legislature finds that the procedure under
8 current law requiring a voter to announce his or her name to a
9 precinct board member before receiving a ballot and allowing a
10 precinct board member to challenge a potential voter on specified
11 grounds is insufficient to ensure against voting fraud because the
12 potential for, and consequences of, abuse are too great.

13 (b) The Legislature has investigated many other methods to
14 eliminate voting fraud, and finds that each of the other methods
15 is more drastic than the method proposed by this act. Because the
16 current law is ineffective to ensure against voting fraud, the
17 Legislature finds that the method proposed by this act is the least
18 drastic means available.

19 (c) The Legislature finds that Section 1 of this act is necessary
20 to protect the integrity of the voting process, and by establishing
21 additional procedures to reduce voting fraud, this act serves a
22 compelling state interest and its provisions are narrowly tailored
23 to achieving these objectives.

24 SEC. 3. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.